

OCT 04 2007

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Patent, Trademark, Copyright, Internet & Related Cases

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FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 3

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DATE: October 4, 2007

TO: Examiner Scott M. Getzow
Group Art Unit 3762

FAX #: 571-273-8300

RECEIVED

OCT 25 2007

OFFICE OF PETITIONS

PHONE #:

Application No.: 10/760,040
Applicant: Brewer et al.

OUR REF.: 1798.50US05

FROM: Wendy J. Cusick
PHONE #: 612-252-1551

Attached please find the following for filing in the above-identified application:

- (1) Correction of Error in Small Entity Status Under 37 CFR § 1.28 (c)

Respectfully submitted,

Wendy J. Cusick
Registration No. 52,788

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

Date

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Wendy J. Cusick

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1798.50US05

Brewer et. al.

Confirmation No.: 8486

Application No.: 10/760,040

Examiner: Scott M. Getzow

Filed: January 16, 2004

Group Art Unit: 3762

For: METHOD AND APPARATUS FOR DELIVERING A BIPHASIC DEFIBRILLATION
PULSE WITH VARIABLE ENERGYCORRECTION OF ERROR IN SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Small entity status was established in good faith and fees were paid as a small entity in good faith in the above-indicated patent application. It was later discovered that such small entity status was established in error or that through error the Office was not notified of a loss of entitlement of small entity status as required by § 1.27(g)(2). Applicant respectfully requests that the error be excused and in compliance with 37 C.F.R. §§ 1.28(c)(1) and 1.28(c)(2) submits the required itemization of deficiency payment and payment of the deficiency owed.

The current fee for the Request for Continued Examination (RCE), additional Independent Claims, and extension fee is \$1,110 (large entity). A payment of \$555 (small entity) was paid on or about July 30, 2007. Therefore a balance of \$555 is due to cover the difference in small to large entity status.

10/23/2007 DALLEN 00000044 160631 10760040

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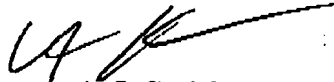
OCT 04 2007

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Application No. 10/760,040

The Commissioner is hereby authorized to charge Deposit Account No. 16-0631 in the amount of \$555 to cover the deficiency. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 16-0631.

Respectfully submitted,


Wendy J. Cusick
Registration No. 52,788

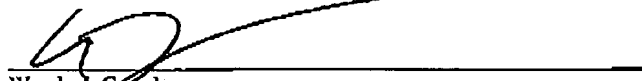
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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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10-4-07
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Wendy J. Cusick